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February 25, 2010

The Honorable Nancy F. Atlas  
United States District Judge  
515 Rusk  
Houston, Texas

***Via Email & ECF***

***RE: Cause No. 04:08-cv-01273; Jackie Fisher v. University of Texas Medical Branch and David Watson.; In the United States Court for the Southern District of Texas, Houston Division.***

To the Honorable Court:

Following please find, detailed by category, as requested, Plaintiff's fees and costs incurred to date for which Plaintiff will seek reimbursement upon prevailing at trial.

Hours are currently billed at \$275.00 per hour for attorney time, the regular rate charged by Jo Miller, and the rate of \$75.00 per hour for Legal Assistants employed by the LAW OFFICE OF JO MILLER, PLLC. The rates are more than reasonable for an attorney of Jo Miller's experience and level of competency in Montgomery and Harris Counties and likewise for the Legal Assistants.

The LAW OFFICE OF JO MILLER, PLLC was retained by Ms. Fisher on March 15, 2007 and we have worked diligently on her case for almost three years since that time.

It is the practice of this firm that hours expended on each activity of a case are detailed on individual time slips which are kept contemporaneously. These time slips are collected in the client's file until an invoice is prepared. Detailed receipts and invoices for hard costs are also kept in the client's billing file and detailed in the invoice.

The time incurred in representing this client and preparing this case is reasonable and necessary. In preparing these calculations by category, each time slip entry was reviewed

and in the exercise of billing judgment, many hours reasonably spent in this case were deleted from the above. None of the hours listed below were spent on duplicative matters or time to generally familiarize counsel with the case. Across the board, at least 5% of the time incurred, was not detailed below in the interest of billing judgment. It is estimated that no less than 15% of the time spent on communication with opposing counsel was deducted, and many hours of client conferences, review of client documents and communications were also deleted in the interest of billing judgment. Preparatory costs of preliminary pleading set up by Legal Assistants were also deleted as duplicative. Other duplicative effort has been reviewed and deleted.

The facts of this case are so intertwined as to be inseparable by cause of action.


Plaintiff has recently authorized the association with SHELLIST & LAZARZ LLP. No hours have been included for the time Martin Shellist has spent familiarizing himself with the case, or any of the lengthy communications between the two counsel. Mr. Shellist has been recently approved at the rate of \$400 per hour in the Southern District by the Honorable Judge Keith Ellison, and will be requesting reimbursement at that rate for any further work in this case.

In the event this case does not settle, between the LAW OFFICE OF JO MILLER, PLLC and SHELLIST & LAZARZ LLP, it is anticipated that additional fees and costs in the range of \$35,000.00 to \$50,000.00 will be incurred through trial.

Category	Attorney Time	Legal Assistant Time	Extended Dollars
Deposition time, Deposition Prep, Notices and Exhibits	35.00 hours	12.16 hours	10,537.00
Pleadings & Orders Prepared, Finalized and Filed, Received and Reviewed Except Summary Judgment & Pretrial	48.83 hours	21.00 hours	15,003.25
Disclosures & Written Discovery Prepared, Received & Reviewed	31.75 hours	14.83 hours	9,843.50

Communications to Opposing Counsel, Court & Others	13.16 hours	27.75 hours	5,700.25
Client Conferences and Communications	28.66 hours	23.25 hours	9,625.25
Summary Judgment Review & Response	49.83 hours		13,703.25
Pretrial Order and Attachments Preparation	44.6 hours	1.0 hour	12,340.00
Trial Preparation	33.3 hours	18.0 hours	10,507.50
EEOC Representation	3.08 hours	2.16 hours	1,009.00
Mediation	14.00 hours		3,850.00
Research	32.00 hours	1.00 hours	8,875.00
SUBTOTAL			101,030.00
HARD COSTS TO DATE Depositions, Copies, Postage, Mediation, etc			5,485.43
TOTAL THRU 2-25-10			\$106,515.43

Respectfully Submitted,



Jo Miller  
Attorney in Charge for Plaintiff

cc: David Halpern  
Defendants' Counsel

Martin Shellist